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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,738	11/01/2006	Takeshi Koda	8048-1179	1231
⁴⁶⁵ YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314			<div>EXAMINER</div> <div>SHEN, KEZHEN</div> <div>ART UNIT</div> <div>PAPER NUMBER</div> <div>2627</div>	
			<div>NOTIFICATION DATE</div> <div>11/12/2009</div> <div>DELIVERY MODE</div> <div>ELECTRONIC</div>	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary

Application No.

10/590,738

Applicant(s)

KODA ET AL.

Examiner

Kezhen Shen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 6-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi et al. US 2003/0202782 A1 and further in view of Hosoda et al. 5,754,508.

Regarding claim 6, Motohashi et al. teach an information recording apparatus comprising: a writing device capable of writing record information onto an information recording medium (1 of Fig. 1, [0079] – [0080]) comprising: first recording layer (2 of Fig. 1, [0081]); a first controlling device (13 of Fig. 1, [0084]) for controlling said writing device to continuously write the record information into the first recording layer ([0086] CPU used to perform recording); a second controlling device (13 of Fig. 1, [0084]) for controlling said writing device to write a predetermined amount of buffer data on an outer circumferential side of the record information written in the first recording layer ([0086], controls operations performed by the CPU, Lead Out of Fig. 3, [0090], Buffer Zone of Fig. 5); and a third controlling device for controlling said writing device to add

buffer data on an outer circumferential side of the predetermined amount of buffer data (13 of Fig. 1 [0086], Fig. 8, [0101] – [0108], 235 of Fig. 13, [0112] buffer zone may be added after the outer session). Motohashi et al. fail to teach a second recording layer.

Hosoda et al. teach an information recording apparatus with the optical disc with two layers of information (Figs. 1-3, Col 3 Line 52 – Col 4 Line 13) and the recording of information on the disc can occur simultaneously (Fig. 3, Col 4 Lines 30-41). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of the information recording apparatus as taught by Motohashi et al. with the teaching of including two recording layers on an optical disc as taught by Hosoda et al. as a whole, to include two recording layers on the optical disc for the benefit of simultaneous recording.

Regarding claim 7, Motohashi et al. teach the information recording apparatus according to claim 6, wherein said second controlling device (13 of Fig. 1, [0086]) responds to a first border close instruction after the record information is recorded over the first recording layer (Fig. 8 [0101] – [0108]). Motohashi et al. fail to teach a second recording layer.

Hosoda et al. teach an information recording apparatus with the optical disc with two layers of information (Figs. 1-3, Col 3 Line 52 – Col 4 Line 13) and the recording of information on the disc can occur simultaneously (Fig. 3, Col 4 Lines 30-41). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of the information recording apparatus as taught by Motohashi et al. with the teaching of including two recording layers on an optical disc as taught by Hosoda et al. as a whole,

to include two recording layers on the optical disc for the benefit of simultaneous recording.

Regarding claim 8, . The information recording apparatus according to claim 7, wherein said third controlling device responds to a finalize instruction.

Regarding claim 9, . An information recording method in an information recording apparatus comprising: a writing device capable of writing record information onto an information recording medium comprising first and second recording layers, said information recording method comprising: a first controlling process of controlling said writing device to continuously write the record information into the first and second recording layers; a second controlling process of controlling said writing device to write a predetermined amount of buffer data on an outer circumferential side of the record information written in the first and second recording layers; and a third controlling process of controlling said writing device to add buffer data on an outer circumferential side of the predetermined amount of buffer data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/
Examiner, Art Unit 2627

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627